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10 Max E. Stewart

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 Max E. Stewart,

14 Plaintiff,

15 vs.

16 ARMED FORCES BANK,
17 NATIONAL ASSOCIATION;
18 COMMUNITY FINANCIAL CREDIT
19 UNION; FIRST NATIONAL BANK
20 OF OMAHA; EXPERIAN
21 INFORMATION SOLUTIONS, INC,

22 Defendants.

CASE NO. **2:16-cv-00708-GMN-GWF**

**JOINT INTERIM STATUS
REPORT**

23 Pursuant to the Court's Order entered on May 13, 2016, the parties, by and
24 through their counsel of record, hereby submit the following Joint Status Report and
25 state the following:

- 26 1. Plaintiff filed the instant Complaint on 3/31/2016. **ECF No. 1.**
- 27 2. On April 15, 2016, dismissal documents were filed as to Community
28 Financial Credit Union ("Community"). **ECF No. 6.**

- 1 3. On April 19, 2016, a settlement was reached with Armed Forces Bank,
2 National Association (“Armed Forces”). **ECF No. 7.**
- 3 4. On April 29, 2016, Experian Information Solutions, Inc. (“Experian”) filed
4 an answer to Plaintiff’s Complaint. **ECF No. 8.**
- 5 5. On May 6, 2016, First National Bank of Omaha (“Omaha”) filed an answer
6 to Plaintiff’s Complaint. **ECF No. 10.**
- 7 6. On June 16, 2016, dismissal documents were filed as to Armed Forces.
8 **ECF No. 15.**
- 9 7. On July 20, 2016, dismissal documents were filed as to First National Bank
10 of Omaha (“Omaha”). **ECF No. 16.**
- 11 8. The remaining defendant in this matter is Experian.
- 12 9. Discovery is currently scheduled to close on 10/26/2016. **ECF No. 13.**

13 **Plaintiff’s Position**

14 **Discovery Conducted to Date with Experian**

- 15 10. On May 4, 2016, Plaintiff served Interrogatories, Requests for Admissions
16 and Request for Production of Documents to Counsel for Defendant
17 Experian.
- 18 11. On August 5, 2016, Experian provided responses to the Plaintiff’s
19 Discovery Demands. In those responses, Experian stated it withheld
20 confidential documents that it would produce upon entry of the appropriate
21 protective order. On August 22, 2016, Plaintiff requested the proposed
22 protective order.

1 protective order from Experian. Experian has agreed to circulate a
2 proposed protective order and will do so by September 2, 2016. Experian
3 will produce these documents upon entry of an appropriate protective order
4 in this matter.
5

6 12. The deposition of Experian's 30(b)(6) witness is currently scheduled for
7 September 1, 2016. However, the deposition may need to be rescheduled
8 given this discovery issue.
9

10 13. Further, on August 26, 2016, Experian served Plaintiff with objections to
11 Plaintiff's notice of deposition. In addition to the objections as to topics,
12 Experian objected to the location (Plaintiff's counsel's office in Las Vegas,
13 NV) as the designee is in Dallas, Texas. Experian has offered to make the
14 designee available in Dallas, Texas. However, the date of September 1,
15 2016, does not work due to previously-scheduled hearing. Experian
16 offered to reschedule the deposition for November 9 or 10, 2016. To date,
17 Experian has not received a response from Plaintiff.
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21 14. The Plaintiff's position has been that "if a defendant truly believes it has
22 'confidential' or 'proprietary information' that should be protected by a
23 protective order, it should have entered into a stipulated protective order
24 with plaintiff or filed a motion for protective order **before** the date by
25 which it was to respond to plaintiff's requests." (emphasis added). *Bible v.*
26 *Rio Properties, Inc.*, 246 F.R.D. 614, 619 (C.D. Cal. 2007).
27
28

1 15. If the discovery dispute is not resolved by September 2, 2016, Plaintiff
2 anticipates attempting to meet and confer pursuant to LR 26-7 with
3 Experian. Thereafter, if the discovery dispute remains unresolved, then
4 Plaintiff will likely move to compel the withheld discovery.
5

6 16. Experian has noticed Plaintiff's deposition for October 5, 2016.
7

8 17. Experian anticipates a discovery extension may be necessary in order to
9 complete the deposition of its 30(b)(6) designee as well as any necessary
10 third-party witnesses.
11

12 **Trial & Settlement Conference**

13 18. The parties anticipate that the trial in this matter will last 2-3 days. Either
14 party may file a Motion for Summary Judgment following the close of
15 discovery, which, if granted by the Court, would reduce the expected
16 length of the trial.
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18 19. The parties propose a trial date in March or April of 2017.
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2 20. The parties certify that they considered consenting to trial by a magistrate
3 judge and use of the Short Trial Program. The parties further certify that
4 they met and conferred about the possibility of using alternative dispute
5 resolution processes including, mediation, arbitration, and early neutral
6 evaluation.
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9 Respectfully submitted August 29, 2016.

10
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18
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20 IT IS SO ORDERED

21 
22 United States Magistrate Judge

23 Dated: 8/30/2016
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